



BELL, BOYD & LLOYD, LLC
PO BOX 1135
CHICAGO IL 60690-113

COPY MAILED

FEB 13 2006

OFFICE OF PETITIONS

In re Application of :
Glenn et al. :
Application No. 10/047,819 : **DECISION GRANTING PETITION**
Filed: January 14, 2002 :
Attorney Docket No. 112753-004 :

This Office action is in response to applicant's submission of "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" timely¹ filed on May 26, 2005 requesting that the Office adjust the determination at the time of the allowance from a determination of one hundred and eighty-eight days to a determination of two hundred and two days.

Applicants request is **GRANTED**. The Office will adjust the PTA determination to reflect a determination of TWO HUNDRED AND TWO (202) DAYS.

Applicants assert that the Office erred in the assessment of a fourteen day reduction for the submission of an IDS on March 22, 2004. Applicants assert that the IDS submission occurred on May 10, 2002 not March 22, 2004. Applicants submitted a postcard receipt to reflect the receipt date in the Office. Applicants do not dispute the two hundred and thirty-five day Office delay pursuant to 37 CFR 1.702(a)(1) nor do applicants dispute the thirty-three day reduction for applicant delay pursuant to 37 CFR 1.705(b).

Applicants' arguments are persuasive. The record reflects that the IDS submission occurred on May 10, 2002 as suggested by applicant. Since such submission occurred prior to the first Office action and did not require the Office to submit a supplemental first action, the submission of such IDS is not considered a failure to engage in reasonable efforts to conclude prosecution of the action. Accordingly, the fourteen reduction in patent term is an error. The Office improperly entered the wrong submission date into the PALM record.

After the mailing of this Office action, the application will be forwarded to the Office of Patent

¹Issue fee paid on May 26, 2005.

Publications for a prompt issuance of the patent. Any delays in the Office failure to issue the application within four months of the payment of the issue fee will be reflected in the issue notification letter that is mailed to applicants approximately three weeks prior to issuance

The Office has assessed the \$200.00 fee under 37 CFR 1.18(e). No additional fees are required by this decision.

Any questions concerning this decision should be directed to Kery A. Fries, at 571-272-7757.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC Adjusted PAIR calculation